IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

WP(C).No. 32320 of 2007(V)

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PETITIONER:

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K.R.ASOKAN, S/O. RAMAKRISHNAN NAIR,
KALARIKKAL HOUSE, ELAMPRA KARA, ERAMALLOOR
VILLAGE, KOTHAMANGALAM.

BY ADV. SRI.N.N.ELAYATH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY, REVENUE DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE TAHSILDAR,
TALUK OFFICE, KOTHAMANGALAM.

3. THE VILLAGE OFFICER,
VILLAGE OFFICE, KOTHAMANGALAM.

BY SR. GP SRI. V.K. BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ANTONY DOMINIC, J**

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W.P.(C). 32320/2007

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Dated this the 21st day of November, 2007

**JUDGMENT**

The petitioner who has purchased portion of a building has approached this Court on account of the refusal of the second respondent to effect mutation of that portion of the property purchased by him. It is stated that such refusal was on account of the default committed by the transferor in the matter of payment of building tax for the period prior to the sale. Petitioner also points out to the fact that the tax liability of the transferor is the subject matter of W.P.(C).20978/2007 filed by him, in which Ext.P3 order of conditional stay has been passed by this Court.

2. Irrespective of the contentions that are raised by the petitioner, it is submitted that he is willing to pay the building tax in respect of the portion of the building he has purchased. If that be so, there is no reason why to deny mutation on account of the dispute raised by the transferor.

3. Therefore, I direct that if the petitioner remits the proportionate amount of building tax, respondents shall effect mutation of the portion of the building that is purchased by the petitioner.

Writ petition is disposed of as above.

**ANTONY DOMINIC**
**Judge**

mrcs